FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1377 OF 2006

1) Deepak Suresh Jhunjhunwala)
)
2) Suresh S.Jhunjhunwala)..Applicants

Versus

The State of Maharashtra & Ors.)..Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.Shirish Gupte Sr.Advocate with Mr.Vikram Choudhary & Mr.Uday P. Warunjikar i/by M/s.Khaitan & Co. for the applicants.

Mr.K.V.Saste APP for the State.

Mr.J.R.Solanki for respondent no.3

Coram : R.S.Mohite,J

Date : 19.7.2006.

PC

1. This is an application for grant of anticipatory bail. The applicants are shown as accused in C.R.No.11/2002 registered by the Economic Offences Wing, Crime Branch, CID, Bombay for alleged offences under Sections 420, 465, 467, 468, 471 & 120-B read with 34 of IPC. In short

the allegation is that at the behest of the present applicants goods are imported under bogus N-form on the condition that they would be exported to be within 7 days. They were not exported within 7 days. It is sought to be contended that goods were sub-standard and hence returned back to one Mr.Chhabria from Delhi from whom they were purchased. Nothing is produced before the police or in this application to show that goods were in fact exported. Prima facie offence could be under Section 420 of IPC. It was sought to be contended that The Mumbai Municipal Corporation Act, 1888 is exhaustive and in fact Section 473 provides that anybody who contravenes certain sections of the BMC Act shall be deemed to have committed an offence punishable under the sections of the Indian Penal Code. In my view, Section 473 cannot be said to be exhaustive and if other offences from the

Indian Penal Code are made out, the applicants would be liable to be punished even for those offences for amount of goods which are not exported. A heavy duty of about Rs.34 lakhs is to be paid. The investigation could be severally curtailed if custodial interrogation is not granted. In such cases, anticipatory bail cannot be granted. In the circumstances, application for grant of anticipatory bail is rejected.

2. Counsel appearing for the applicants states that he would like to approach the Apex Court. In the circumstances, it is directed that the applicants may not be arrested till 14.8.2006 subject to the condition that they will report to the investigating officer at the Economic Offences Wing at Unit-III, on 21.7.2006, 26.7.2006, 3.8.2006 and 4.8.2006. In case there is any default in reporting, the

protection which is granted to stand withdrawn. It is also made clear that no further time is given if no protection is obtained from the Apex Court. Application stands disposed off.

(R.S.Mohite,J)